

May 10, 2010

The Common Council met as the Water Utility Board at 7:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Fuelling, Hoehn, Curtis, and Higgins attending. Board member Askren was not present. Others attending were Supt. Gray; Chief Waters; Chief Beloit; Supt. Givens; Attorney Higgins; Elaine Springer; Mike Craig; David and Judy Whitten; Larry Williams; Pam Robinson – Posey County News; and arriving during the meeting, Comm. Maynard.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Higgins moved the reading of the minutes be waived and they be approved as presented.

Seconded by Board member Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Curtis moved the claims presented be allowed for payment. Seconded by Board member Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

\*\*\*\*\*CLAIMS\*\*\*\*\*

Mayor Tucker stated as Water Chairwoman Askren is not present, they will hear the report of the Water Supt.

Supt. Gray stated they have completed the first round of some newly required EPA test samples on a certain type bacteria. He added they have been sent via Fed Ex to the test site and he has also received a letter from IDEM citing a new requirement from them for sampling for atrazine. He then stated everything else seems to be running fairly well at the moment. He concluded by stating back in 2005 the water department bought two trucks to replace a 1993 Dodge, which he would now like permission at this time to sell for scrap. He added the truck itself is not worth anything except the value of the tires, which they will remove before the truck is scrapped.

Attorney Higgins questioned the probable value of the truck ?

Supt. Gray replied around \$500.00. He added he is afraid if they try to sell the truck, it will wind up sitting, junked, in someone's front yard.

Board consented to have Supt. Gray remove the tires and sell the truck for scrap.

Comm. Maynard arrived at the meeting.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated any questions about the Financial Report may be directed to Bookkeeper Bennett.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker asked if there were any Legal items for consideration ?

Attorney Higgins replied she has nothing at this time.

Mayor Tucker asked if anyone in the Audience wished to address the Board ?

Mr. Mike Craig approached the podium and stated he lives at 4301 Lower Mt. Vernon Road, behind Bristol Myers, and he would like to request city water service. He stated he purchased the property last summer and he has been cleaning it up as well as restoring the home. He added he is located between German Township water service and City of Mt. Vernon water service – and he has also installed a new well which works very nicely but the quality of the water is very poor. He then stated his well has tested negative for arsenic. He added German Township would have to come farther to hook him up so he would therefore prefer to hook on to Mt. Vernon's water service.

Board member Hoehn asked if he and Supt. Gray have discussed the fees involved, the lines that would need to be run, etc. ?

Supt. Gray replied yes and added he will need to bore under the road as the meter will be located on the west side of Lamont Road. He added Mr. Craig will lay the main and incur that cost. He then stated there is very good pressure in the area. He concluded by stating he will be requesting a 3" main.

Attorney Higgins asked the kind of service ?

Supt. Gray replied a 2" meter.

Board member Curtis stated they have had concerns in the past about maintenance after installation and wondered if that had been discussed ?

Supt. Gray replied Mr. Craig will maintain ownership of the 1300 foot of water main that will be run.

Attorney Higgins asked if Mr. Craig has the water department's specifications and standards ?

Supt. Gray replied yes.

Mr. Craig stated he is just getting his feet wet on this request and if he runs into a problem with the location of the line, he has the neighbor's permission to lay the line on the edge of his property.

Board member Curtis stated if he understands correctly the city will incur no cost ?

Supt. Gray replied that is correct.

Attorney Higgins asked how the property is zoned, commercial or residential ?

Mr. Craig replied it is zoned commercial because the farm, and he will be running a business from there. He added he hopes to really be going good in late fall, to around Christmas. He then stated he would like to live there and run his business through there, though the home is owned by his company and paid for by his company.

Attorney Higgins stated if line goes through the county right-of-way, he may need some paperwork from the county commissioners.

Supt. Gray replied he has that form.

Mr. Craig stated he was just coming here for the first step to see if this could be done.

Board member Curtis stated this is no different than some of the previous customers the city has had and it sounds like there is ample water and pressure in the area.

Board member Fuelling added it sounds good to him.

Board member Curtis then moved the tap be approved, pending the completion of all necessary paperwork.

Seconded by Board member Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker asked if anyone else in the Audience wished to address the Board ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Hoehn moved the meeting be adjourned. Seconded by Board member Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker

Mayor

ATTEST:

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Cristi L. Sitzman

Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Fuelling, Hoehn, Curtis, and Higgins attending. Councilwoman Askren was not present. Others attending were Supt. Gray; Chief Waters; Chief Beloit; Supt. Givens; Attorney Higgins; Elaine Springer; David and Judy Whitten; Larry Williams; Pam Robinson – Posey County News; and Comm. Maynard.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Curtis moved the reading of the minutes be waived and they be approved as presented.

Seconded by Councilwoman Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairman Fuelling stated he has no report.

Comm. Maynard stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairwoman Hoehn stated she would like to commend Chief Beloit on the Neighborhood Watch meetings. She added she has gotten a lot of positive feedback and believes it is a great idea.

Chief Beloit stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairman Curtis stated he has no report.

Chief Waters stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairwoman Higgins stated she has no report.

Supt. Givens stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they have the Financial Report for April before them and any questions could be directed to Clerk-Treasurer Sitzman.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated they will now start with the Legal portion of the Agenda.

Attorney Higgins stated the first item is the second reading of the ordinance Concerning the Transportation and Hauling of Over-Weight Vehicles and Loads Over Public Rights-of-Way in the City of Mt. Vernon, Indiana. She then stated she has heard no comments.

Councilwoman Higgins asked if the fee cited in this ordinance is the same as that in the county ordinance ?

Attorney Higgins replied yes.

Councilwoman Higgins asked if it is a one-time thing or for every time they haul ?

Attorney Higgins replied it is \$50 per trip or \$150 per calendar year.

Councilwoman Higgins added one industry just this year will be making 150-200 heavy hauls through town.

Councilman Fuelling agreed and added VERY heavy loads.

Councilman Curtis asked if these fees are consistent with other communities ?

Attorney Higgins replied stated looked in the State of Indiana via American Legal and she found no other communities to compare to.

Councilman Curtis stated this fee is not designed to cover damage, but for consistent, heavy loads, that is a pretty small fee.

Councilman Fuelling asked if Mt. Vernon can still say NO to folks wanting to haul such heavy loads through town ?

Attorney Higgins replied if they were not willing to meet the requirements, yes, or if they were damaging property. She added they have that authority now. She then stated the Council could implement a graduated fee if they so chose.

Councilman Curtis stated that would be almost impossible to judge. He then asked how many heavy loads come through the city on a normal basis ?

Councilwoman Higgins a few, besides what B & W has been doing this year; maybe two to three a year.

Councilman Fuelling added they also have oversized loads like earthmovers on flatbeds, etc.

Councilwoman Higgins stated these heavy loads also can damage in other areas of town due to semi trying to get around in town via other streets to try to avoid the heavy loads coming through.

Councilman Curtis stated that fee just seems pretty low.

Councilwoman Hoehn asked if the fee is designed to make them think twice about hauling through town ?

Attorney Higgins replied it is basically a mobilization fee, a processing fee if you will, it is not designed to pay for any damage that may occur.

Councilwoman Hoehn asked if the city has been paid for any damages yet ?

Attorney Higgins replied there is one agreement but nothing received yet.

Councilman Curtis moved the ordinance pass on second reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated the next item is the final reading of an Ordinance to Repeal Title V – Public Works, Chapter 50.195 – Rates and Charges, Sub-Paragraph (D) of the City of Mt. Vernon Code of Ordinances.

Mayor Tucker asked if there were any questions ?

Councilwoman Hoehn stated she has no problem with this ordinance after talking with some other folks about it. She added most other communities do not allow the separation of metered sewer flow and non-metered and she had voted NO the first time in order to buy some time to get more information. She then stated she is in favor of the ordinance now.

Councilman Curtis moved the ordinance pass final reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Sitzman added it will be numbered 10-07.

Attorney Higgins stated the final item for consideration is an Ordinance removing the two-way STOP at E. Sherman and Locust and adding a four-way STOP. The Ordinance to Amend the City of Mt Vernon Code of Ordinances, Title VII- Traffic Code, Chapter 74 – Traffic Schedules – Schedule I – Stop Intersections.

Councilwoman Higgins moved the ordinance pass on first reading. Seconded by Councilwoman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

Larry Williams approached and stated he resides at 715 E. Sherman and he is concerned about the four-way STOP proposed at E. Sherman and Locust. He stated by putting that STOP sign there they are basically telling the kids to go out and play in the street because cars will stop for them. He added he is afraid this may open a whole can of worms all over town. He the stated he is not opposed to it, but Council should be very careful and possibly try to slow down the traffic instead of install the STOP sign. He added it could end up being a more dangerous situation.

Mayor Tucker asked if anyone else in the Audience wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

Councilwoman Higgins stated she received a call from one of the crew of the LST today and they are still talking about Mt. Vernon and what a great visit it was for them.

Mayor Tucker asked if there was any New Business ?  
There was none.

Mayor Tucker stated they will now hear the reports of the Districts.

1<sup>st</sup> District Councilwoman Askren was not present.

2<sup>nd</sup> District Councilman Fuelling reported he is working on some issues but has nothing to report at this time.

3<sup>rd</sup> District Councilwoman Hoehn stated she has no report.

4<sup>th</sup> District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated she has no report.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.  
Councilwoman Higgins moved the meeting be adjourned. Seconded by Councilwoman Hoehn.  
Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Sitzman  
Clerk-Treasurer